

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

RODGER A. GRIFFIN,

Petitioner,

vs.

OZZIE D. KNEZOVICH,

Respondent.

NO. CV-11-146-JPH

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND DENYING MOTION
FOR INJUNCTIVE RELIEF**

BEFORE THE COURT is Petitioner Rodger Giffin's Nunc Pro Tunc Objection to Recommendation to Deny Injunctive Relief, consisting of an eight-page document and fifty-two pages of exhibits. ECF No. 28. Petitioner, a prisoner at the Spokane County Jail, is proceeding *pro se* and in *forma pauperis*; Respondent was not served.

By Order filed September 16, 2011, the Court dismissed Mr. Griffin's First Amended Petition. ECF No. 25. On September 15, 2011, Magistrate Judge Hutton recommended Mr. Griffin's Motion for Temporary Restraining Order and/or Preliminary Injunction be denied in light of the recommended dismissal and Petitioner's failure to present any facts or documentation showing a transport to Montana was imminent.

In his Objections, Mr. Griffin asserts his Washington state charge was resolved on September 16, 2011, and he received an adjusted good

1 time release date of October 3, 2011. ECF No. 28-10. As noted in prior
2 Orders and Recommendations, Mr. Griffin has available remedies to
3 challenge extradition warrants and detainers in the state courts of
4 Washington and Montana.

5 Having considered Mr. Griffin's objections and in light of the
6 prior dismissal of this action, **IT IS ORDERED** the Report and
7 Recommendation, **ECF No. 24**, is **ADOPTED in its entirety** and the Motion
8 for Injunctive Relief, **ECF No. 21**, is **DENIED** with leave to pursue
9 injunctive relief in an appropriate state court proceeding.

10 **IT IS SO ORDERED.** The District Court Executive is directed to
11 enter this Order, forward a copy to Petitioner at his last known address
12 and close the file. Again, the Court certifies, pursuant to 28 U.S.C.
13 § 1915(a)(3), an appeal from this decision could not be taken in good
14 faith, and there is no basis upon which to issue a certificate of
15 appealability. 28 U.S.C. § 2253(c); Fed. R.App. P. 22(b).

16 **DATED** this 12th day of October 2011.

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18 S/ Edward F. Shea
19 EDWARD F. SHEA
20 UNITED STATES DISTRICT JUDGE
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